



PROPOSED RULE MAKING (RCW 34.05.320)

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Department of Agriculture		<input checked="" type="checkbox"/> Original Notice <input type="checkbox"/> Supplemental Notice to WSR _____ <input type="checkbox"/> Continuance of WSR _____
<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR <u>03-15-118</u> ; or <input type="checkbox"/> Expedited Rule Making -- Proposed notice was filed as WSR _____; or <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).		
(a) Title of rule: (Describe Subject) Chapter 16-406 WAC STANDARDS FOR APRICOTS. The department is proposing to repeal WAC 16-406-001 (Promulgation) and amend WAC 16-406-025 (Application of tolerances). Purpose: The department is proposing to repeal WAC 16-406-001 because is outdated and no longer needed. The proposed amendments to WAC 16-406-025(2) will make the tolerance requirements in that subsection consistent with the tolerance requirements in subsection (1) of WAC 16-406-020(Tolerances). Other identifying information: None		
(b) Statutory authority for adoption: RCW 15.17 Standards of Grades and Packs and RCW 34.05 Administrative Procedure Act.		Statute being implemented: RCW 15.15.030
(c) Summary: During the course of an Executive Order 97-02 rule review, the Fruit and Vegetable Inspection Program noted that WAC 16-406-001(Promulgation) should be repealed because it is outdated and no longer needed. It was also noted that the tolerance requirements in WAC 16-406-020(1) and WAC 16-406-025(2) were not consistent. By deleting the reference to "seriously damaged by insects or" in WAC 16-406-025(2), the tolerance requirements in both sections will be consistent and the rule will be easier to understand and apply. The tolerance for "seriously damaged by insects" is ten percent while the language in WAC 16-406-025(2) allows for a tolerance of ten percent, provided that not more than one apricot is seriously damaged by insects or affected by decay or internal breakdown in any sample. Generally, it would take two or more apricots to exceed the ten percent tolerance requirement therefore the current language in WAC 16-406-025(2) is not consistent with the tolerance level allowed in WAC 16-406-020(1). Reasons supporting proposal: See summary in (c) above.		
(d) Name of Agency Personnel Responsible for: 1. Drafting..... Jim Quigley 2. Implementation.... Jim Quigley 3. Enforcement..... Jim Quigley	Office Location Olympia, WA Olympia, WA Olympia, WA	Telephone (360) 902-1833 (360) 902-1833 (360) 902-1833
(e) Name of proponent (person or organization): Department of Agriculture		<input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Governmental
(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters: None		
(g) Is rule necessary because of: Federal Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, ATTACH COPY OF TEXT Federal Court Decision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Citation: State Court Decision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(h) HEARING LOCATION: Yakima Agriculture Center 21 North 1 st Ave. Yakima, WA Date: November 10, 2003 Time: 10:00 A.M. Assistance for persons with disabilities: Contact Laurie Crose by November 3, 2003 TDD (360) 902-1976		Submit written comments to: Jim Quigley, Program Manager WSDA Fruit & Vegetable Inspection Program P.O. Box 42560 Olympia, WA 98504-2560 FAX (360) 902-2085 By (date) 5:00 p.m. on November 10, 2003 DATE OF INTENDED ADOPTION: November 19, 2003
NAME (TYPE OR PRINT) Robert W. Gore		<div style="text-align: center;"> CODE REVISER USE ONLY CODE REVISER'S OFFICE STATE OF WASHINGTON FILED SEPTEMBER 30, 2003 <hr/> TIME: 1:51 pm WSR 03-20-093 </div>
SIGNATURE		
TITLE Assistant Director	DATE September 29, 2003	

(j) Short explanation of rule, its purpose, and anticipated effects:

WAC 16-406-001(Promulgation) should be repealed because it is outdated and no longer needed. The tolerance requirements in WAC 16-406-020(1) and WAC 16-406-025(2) are not consistent. By deleting the language “seriously damaged by insects or” in WAC 16-406-025(2), the tolerance requirements in both sections will be consistent and the rule will be easier to understand and apply. The tolerance for “seriously damaged by insect” is ten percent while the language in WAC 16-406-025(2) allows for a tolerance of ten percent, provided that not more than one apricot is seriously damaged by insects or affected by decay or internal breakdown in any sample. Generally, it would take two or more apricots to exceed the ten percent tolerance; therefore the current language in WAC 16-406-025(2) is not consistent with the allowed tolerance in WAC 16-406-020(1).

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

Removing the language “seriously damaged by insects or” in WAC 16-406-025(2) will allow industry to meet the grade requirements as intended in section WAC 16-406-020(1).

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.
A copy of the statement may be obtained by writing to:

telephoning: ()
faxing: ()

☒ No. Explain why no statement was prepared

The proposed amendment to WAC 16-406-025(2) does not impose any additional cost on businesses regulated by the rule. By deleting the language “seriously damaged by insects or” in WAC 16-406-025(2), the tolerance requirements in WAC 16-406-025(2) and WAC 16-406-020(1) will be consistent and the rules will be easier to understand and apply, which should result in a cost savings to the regulated industry.

(l) Does RCW 34.05.328 apply to this rule adoption? ☐ Yes ☒ No
Please explain:

The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328(5)(a)(i).